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LETTER DATED 13 OCTOBER 1998 FROM THE CHARGÉ D'AFFAIRES A.I. OF THE DEMOCRATIC REPUBLIC OF THE CONGO TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

On orders from my Government, I have the honour to inform you that a civil aircraft belonging to Congo Airlines was shot down three minutes after take-off from Kindu airport by a missile launched by armed elements of the Rwanda-Uganda coalition on Saturday, 10 October 1998.

Defying the provisions of special international law applicable to armed conflicts and violating the rules governing international civil aviation, particularly as regards safety in the air, the aggressors against the Congo caused the death of 41 people, all civilians, including women, children and 4 crew members.

It should be pointed out that this ignoble act is one more of the many such acts that have been brought to the attention of the Security Council. My Government therefore asks the Security Council to condemn this act and reiterates its request that the following measures be taken:

(1) That the aggression be condemned;

(2) That enemy troops be withdrawn from Congolese territory;

(3) That reparation be made for damage caused to the Congolese State, to its people, particularly the families affected, and to the airline.

For your information, I am providing below the data on the identification and trajectory of the aircraft that was shot down.

Report on the shooting down of the aircraft belonging to Congo Airlines

Details provided by the President-Delegate General of the Air Transport Authority on Sunday, 11 October 1998 (noon), to the office of the Minister for Foreign Affairs

I. Technical data on the aircraft

Registration: 9 QCSG

Civilian aircraft type: Boeing 727

Owner: Congo Airlines

II. Schedule for 10 October 1998

(a) Kinshasa

- The aircraft presents a flight plan for the Kinshasa-Kindu route
- Planned hour of departure from Kinshasa: 7 a.m. (Universal Time)
- Take-off: 6:56 a.m. (Universal Time)
- Arrival at Kindu: 8:26 a.m. (Universal Time)

(b) Kindu

- The aircraft presents its flight plan for the Kindu-Kinshasa route
- Planned hour of departure from Kindu: 8:45 a.m. (Universal Time)
- Take-off: 8:51 a.m. (Universal Time)

III. The facts

- After taking off from Kindu airport, the aircraft made a left turn.
- The control tower asked the pilot for his route.
- The pilot replied immediately by saying that he had heard firing and promised to call back to confirm his report.
- The pilot called back to confirm that the aircraft had been hit three (3) minutes after take-off.
- He then sent out an SOS, which was heard at Mbuji-Mayi and by another airplane that was in the air.

- In his message, the pilot informed the tower that he intended to proceed to an emergency landing between Kindu and Lodja, around "Kisni point".

That was the last contact.

IV. Analysis of the facts

According to Mr. Savros, President-Delegate General of Congo Airlines, there were 38 passengers (women and children) on board, in addition to the crew of about 4 persons.

Furthermore, military sources reported that a missile had been shot at the aircraft.

Despite the state of war that prevails in the region, neither Kindu airport nor the airspace over this zone has been closed to air traffic.

From the standpoint of international regulations, if an airport or airspace are closed, a NOTAM (Notice To Airmen) must be issued.

In this regard, according to the relevant international conventions, particularly the Chicago Convention (1944), illicit acts of intervention against civil aircraft, as well as the use of firearms against civil aircraft, are expressly prohibited and constitute violations against the safety of international civil aviation.

I should appreciate it if you would have this letter circulated as an official document of the Security Council.

(Signed) Monga Mulenda MAKONGA
Deputy Permanent Representative
Chargé d'affaires, a.i.